

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

MCKINNEY SQUARE  
PROPERTIES NO 1 LTD

*Plaintiff,*

v.

CIVIL ACTION NO. 3:16-cv-00956-M

SENECA INSURANCE  
COMPANY, INC.; LEVELFIRST,  
LLC; WALDMAN BROS. L.L.P.

*Defendants.*

## PLAINTIFF'S NOTICE OF DISMISSAL

TO THE HONORABLE COURT: NOW COMES Plaintiff MCKINNEY  
SQUARE PROPERTIES NO 1 LTD and files this notice of dismissal under  
Federal Rule of Civil Procedure 41(a)(1)(A)(i).

1. Plaintiff is MCKINNEY SQUARE PROPERTIES NO 1 LTD.
2. The Defendant dismissed in *Plaintiff's Notice of Dismissal* is WALDMAN BROS. L.L.P.

## PLAINTIFF'S NOTICE OF DISMISSAL

3. On February 25, 2016 Plaintiff filed its lawsuit in State Court. The named defendants included Defendant WALDMAN BROS. L.L.P.
4. The case was removed to this court on April 6, 2016. (Doc 1).
5. WALDMAN BROS. L.L.P was served with process in the state court proceeding and has not served an answer or a motion for summary judgment.
6. WALDMAN BROS. L.L.P. has filed a motion to dismiss under FRCP 12(b)(6) or in the alternative a motion for more definite statement under FRCP 12(e) (Doc 3), neither of which preclude Plaintiff's Notice of Dismissal from being effective upon filing. See *Finley Lines Joint Prot. Bd. V. Norfolk S. Corp.*, 109 F.3d 993, 996 (4<sup>th</sup> Cir 1997).
7. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.
8. A receiver has not been appointed in this case.
9. This case is not governed by any federal statute that requires a court order for dismissal of the case.
10. Plaintiff has not previously dismissed any federal- or state-court suit based on or including the same claims as those presented in this case.

11. Only Defendant WALDMAN BROS. L.L.P is dismissed from this claim by this notice of dismissal.
12. This dismissal is without prejudice.

Respectfully submitted,

**/S/ JANET R. RANDLE**

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ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause via the ECF system in accordance with the Federal Rules of Civil Procedure, on this 15<sup>TH</sup> Day of April, 2016.

**/s/ JANET R. RANDLE**

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JANET R. RANDLE